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**FAX**

Date: November 11, 2005
To: Examiner Zinnia Davis
Fax Number: (571)273.8300
From: Linda K. Cooper
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cc:
Pages: 3 (including this cover sheet)

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Application No. 10/721,318
Filed: November 25, 2003
Group Art Unit: 1625
Title: Glucocorticoid Receptor Modulators
Our Ref: 010118C


Examiner Davis:

Per your phone conversation with Brandon Boss yesterday, November 10, 2005, regarding a corrected Terminal Disclaimer: attached please find a corrected Terminal Disclaimer and Facsimile Transmittal regarding fee.

Thank you for your assistance in this matter. Please feel free to contact me at the above number should there be any questions.

Best regards,
Linda Cooper
Assistant to Brandon S. Boss

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Dow et al.			Docket No. 010118C
Application No. 10/721,318	Filing Date November 25, 2003	Examiner Zinnia Davis	Group Art Unit 1625
Invention: Glucocorticoid Receptor Modulators			
Customer No. 26648			
<p>I hereby certify that this <u>Terminal Disclaimer—charge \$130.00 fee to Deposit Account 19-1025</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>1.571.273.3981</u>)</p> <p>on <u>November 11, 2005</u> (Date)</p> <p style="text-align: right;"><u>Linda K. Cooper</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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PTO/SB/26 (09-04)
Approved for use 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

010118C

In re Application of: **Dow et al.**Application No.: **10/721,318**Filed: **November 25, 2003**For: **Glucocorticoid Receptor Modulators**

The owner*, Pharmacia Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term **prior patent No. 6380223 & 6699893** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

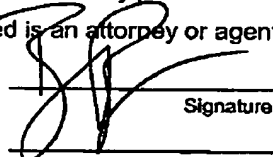
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- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
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- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its fully statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 46,567



Signature

November 11, 2005

Date

Brandon S. Boss

Typed or printed name

314.274.3662

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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